

## REMARKS

The Examiner has rejected claims 1-3, 6-10 and 15-19 of the present application under the judicially created doctrine of obviousness-type double patenting in view of claims 9-15 of U.S. Patent No. 6,739,733 ("the '733 patent"). The Examiner has further rejected the claims 1-3, 10, 13-15, 18 and 20-22 as anticipated by U.S. Patent No. 5,821,695 to Vilanilam *et al.* ("Vilanilam"), rejected claims 4-5 and 11-12 as obvious over Vilanilam in view of U.S. Patent No. 6,286,986 to Berg ("Berg") and rejected claims 7, 9, 16, 17 and 19 as obvious over Vilanilam in view of U.S. Patent No. 5,806,965 to Deese ("Deese"). The Examiner has objected to claim 3. Applicants respectfully traverse these rejections in view of the terminal disclaimer filed herewith and the amendments made to the claims.

### I. OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

With regard to the Examiner's rejection based upon obviousness-type double patent over U.S. Patent No. 6,739,733, Applicants file here with a terminal disclaimer over said patent. Therefore, the Examiner's rejection on this basis is overcome.

### II. REJECTIONS UNDER § 102 AND § 103

With regard to the Examiner's rejection over U.S. Patent No. 5,821,695 to Vilanilam ("Vilanilam"), the examiner points out that the glass jewel or lens 40 filled with a silicone elastomer.

Applicants have amended claim 1 to more clearly recite that the encapsulant of the circuit board also forms the exterior of the lens. Applicants had previously recited that the material was "formed to provide a predetermined shape for the lens assembly". Claim 1 now recites that the material is "formed to provide an exterior surface for the lens assembly". Therefore, there can be

no argument that Applicants' encapsulant material forms an exterior surface of the lamp assembly.

Vilanilam, on the other hand, uses a glass lens that is filled with an elastomer. Because the elastomeric filling of Vilanilam does not form an exterior surface of the lamp assembly, it cannot anticipate claim 1 of the present application. Additionally, Vilanilam (alone or in conjunction with the other cited art) does not render obvious claim 1 because Vilanilam provides no teaching or suggestion that a circuit board encapsulant may form a suitable exterior surface for lamp, particularly when Vilanilam chose an elastomer.

Claims 2, 4-9 and 23 depend from claim 1 and include the limitations of claim 1. Because claim 1 is not anticipated by or obvious over Vilanilam and the other cited art, claims 2, 4-9 and 23 are not anticipated or rendered obvious by Vilanilam alone or in conjunction with the other cited prior art.

Claim 23 further requires that the material encapsulating the circuit board be a non-elastomeric material. Vilanilam only teaches the use of an elastomer as a filling around the circuit board. Therefore, claim 23 is patentable over the prior art for this additional reason.

Claim 10 also requires the encapsulating material "forms an exterior surface of the lamp assembly". As discussed above, Vilanilam does not teach or suggest that its elastomeric filling does or can serve as a exterior surface of the lamp assembly. Therefore, Vilanilam does not anticipate or render obvious claim 10 for the same reason as claim 1.

Claims 11-19 depend from claim 10 and include the limitations of claim 10. Because claim 10 is not anticipated by or obvious over Vilanilam and the other cited art, claims 11-19 are not anticipated or rendered obvious by Vilanilam alone or in conjunction with the other cited prior art.

Claim 20 requires that the encapsulating material "form[] an exterior surface of the lamp assembly". As with claim 1-19, discussed above, Vilanilam does not teach or suggest that its elastomeric filling does or can serve as a exterior surface of the lamp assembly. Therefore, Vilanilam does not anticipate or render obvious claim 20 for the same reason as claims 1-19 above.

Claims 21 and 22 depend from claim 20 and include the limitations of claim 20. Because claim 20 is not anticipated by or obvious over Vilanilam and the other cited art, claims 21 and 22 are not anticipated or rendered obvious by Vilanilam alone or in conjunction with the other cited prior art.

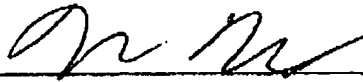
### **III. ENTERING AN AMENDMENT AFTER FINAL REJECTION**

Applicants submit that entering the present amendment of the claims, even if the Examiner does not believe they place the claims in condition for allowance, place the claims in better condition for appeal. Applicants' amendment certainly removes the claims from the ambit of § 102 based upon Vilanilam. Therefore, Applicants submit that it would only be proper for the Examiner to enter the amendment even if the claims are not found allowable.

### **IV. CONCLUSION**

Based on the foregoing, the allowance of claims 1-2 and 4-23 is respectfully requested. If for any reason the Examiner is unable to allow the application on the next Office Action, the Examiner is kindly requested to contact the undersigned attorney for the purpose of arranging an interview.

Respectfully submitted,



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